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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/766,949	WORKMAN ET AL.
	Examiner	Art Unit	
	ADAM L. BASEHOAR	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 January 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4-13,17-22,25-31 and 51-71</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,4-13,17-22,25-31 and 51-71</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The RCE filed 01/12/09.

2.   Claims 41 and 44-50 have been cancelled as necessitated by the Amendment.

3.   Claims 51-71 have been added as necessitated by the Amendment.

4.   The rejection of claims 13, 25-31, 41, and 44-50 under 35 U.S.C. 101 has been

withdrawn as necessitated by the Amendment.

5.   The rejection of claims 1, 4-13, 17-22, and 25-31 under 35 U.S.C. 103(a) as being

unpatentable over Bergman et al (5,909,678 06/01/99) in view of Kurowski et al (US-

2002/0019844 02/14/02) in further view Nunez (US-6,654,737 11/25/03) in further view of the

W3C, HTML 4.01 Specification, Chapter 12, "Links", pp. 1-15, 12/24/99 (Hereafter: W3C) has

been withdrawn as necessitated by the Amendment.

6.   Claims 1, 4-13, 17-22, 25-31, and 51-71 are pending in the case. Claims 1, 11, and 13

are independent claims.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 1, 6-13, 19-22, 27-31, 51-53, 58-60, and 65-67 are rejected under 35 U.S.C.

103(a) as being unpatentable over Dynamic Drive, "Drop down menu generator", 03/30/99, pp.

1-2,

http://web.archive.org/web/20010801161507/http://www.dynamicdrive.com/dynamicindex1/dro

pmenuindex.htm (Hereafter "Dynamic Drive 1") and Dynamic Drive Screenshot "Drop down

menu generator", 03/30/99, pp. 1 (Hereafter "Dynamic Drive 2") in view of W3C, HTML 4.01

Specification, Chapter 17, "Forms", W3C, 12/24/99, pp. 1-26,

http://www.w3.org/TR/html401/interact/forms.html (Hereafter "W3C") in further view of

Wasilewski (US-6,374,275 04/16/02).

      -In regard to independent claims 1, 11, and 13, Dynamic Drive teaches a computer

method, system, and product for selecting content, comprising:

displaying a hyperlink for an element (Dynamic Drive 1: "drop down menu") in on a page

(Dynamic Drive 1: "The default url of each drop down menus is 'alternate.htm'; Dynamic Drive

2: i.e. note "<a href=alternate.html..." in the second scroll box), the form being a database query

(Dynamic Drive 2: i.e. selection of any one of the five links from the displayed menu control

with query those stored pages"), to indicate to a user that a control is available for the element

(Dynamic Drive 1: i.e. the color of the hyperlinks "JavaScript links" and "DHTML Links" are

blue and underlined), said hyperlink including at least one hyperlink target (Dynamic Drive 1:

"The default url of each drop down menus is 'alternate.htm'; Dynamic Drive 2: i.e. note "<a

href=alternate.html..." in the second scroll box), the hyperlink target identified by a link to a

choice satisfying the element on the form (Dynamic Drive 2: note the plurality of menu items

defined in the first scroll box for the selected hyperlink), said hyperlink providing one of the

group consisting of

(i) a link from the form to another location, wherein the another location is identified by a reference to valid variables in the hyperlink target (Dynamic Drive 1: "The default url of each drop down menus is 'alternate.htm'; Dynamic Drive 2: i.e. note "<a href=alternate.html..." in the second scroll box) and

(ii) a link from the form to another file, wherein the another file is identified by a reference to a selection of choices in the hyperlink target (Dynamic Drive 1: "The default url of each drop down menus is 'alternate.htm'; Dynamic Drive 2: i.e. note "<a href=alternate.html..." in the second scroll box);

upon a selection of the hyperlink by the user, presenting the control for user interaction (Dynamic Drive 2: "drop down menu generator" i.e. note the drop down menu control activated when the "DHTML Links" hyperlink is selected).

Dynamic Drive teaches wherein the hyperlink displayed for an element of a control was not incorporated into a specific form but was rather implemented on web page. W3C teaches that control elements could be implemented outside of a form but generally appear inside a form (Page 3: "elements used to create controls generally appear inside a form...by may also appear outside a form"). It would have been obvious to one of ordinary skill in the art at the time of the invention for the hyperlink control element of Dynamic Drive to have been incorporated into a form, because W3C taught that control elements were notoriously well known in the art to be added into forms (Page 3) and by incorporating said element into a form, the user of Dynamic Drive's control element would have gained the benefit of being able to submit users selections to an agent for further processing (Page 1: "submitting the form to an agent for processing...web server...etc).

Dynamic Drive teaches that upon completion of user interaction with the control querying the selected page and displaying said page to said user. Dynamic Drive does not specifically teach upon selection of one of the hyperlinks displayed in the drop down menu, replacing the element with a new element responsive to user action, and causing the presented control to disappear. Wasilewski teaches upon completion of user interaction with a drop down menu control, replacing the element with a new element responsive to user action, and causing the presented control to disappear (column 1, lines 45-67; column 7, lines 5-37)(Fig. 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have replaced the element based on the user interaction with the control and to have made the control disappear as taught in Wasilewski, because Wasilewski taught said control element functionality provided some accommodation for Internet users who do not have a keyboard (column 1, lines 43-46) as well as providing the well known benefit of more prominently displaying the user's selection (i.e. it is the only element shown thereafter until the control is activated again).

-In regard to dependent claims 6-7, 19-20, and 27-28, Dynamic Drive teaches wherein the control was a list of choices or a pull-down menu (Dynamic Drive 2: "drop down menu generator" i.e. note the drop down menu control activated when the "DHTML Links" hyperlink is selected).

-In regard to dependent claims 8-9, 21-22, and 29-30, Dynamic Drive teaches wherein the control was a dialog box (Dynamic Drive 2: "drop down menu generator" i.e. note the drop down menu control activated when the "DHTML Links" hyperlink is selected) but does not

specifically teach a text entry field (Note: Dynamic Drive 1 does teach a text entry field

associated with a submit button, but not in association with the hyperlink element). W3C

teaches that text entry fields were notoriously well known in the art at the time of the invention

to be provided in forms (Page 3: "text input"). It would have been obvious to one of ordinary

skill in the art at the time of the invention for the control of Dynamic Drive to have been a text

entry field, because W3C teaches that text entry form fields were notoriously well known in the

art to be an obvious control replacement for a dialog box, list, or menu (Pages 2-3: "Control

types") and would have also provided users of Dynamic Drive the benefit of being able to enter

text based input (Page 3: "text input").

     -In regard to dependent claims 10, 12, and 31, Dynamic Drive further teach wherein

the control was a list or dialog box (Dynamic Drive 2: "drop down menu generator" i.e. note the

drop down menu control activated when the "DHTML Links" hyperlink is selected).

     -In regard to dependent claims 51, 58, and 65, Dynamic Drive teaches selecting the

control from the group consisting of a list (Dynamic Drive 2: "drop down menu generator" i.e.

note the drop down menu control activated when the "DHTML Links" hyperlink is selected).

     -In regard to dependent claims 52, 59, and 66, Dynamic Drive teaches displaying the

hyperlink using color coding and formatting to distinguish the hyperlink from other parts of the

form that do not have a hyperlink (Dynamic Drive 1: i.e. the color of the hyperlinks "JavaScript

links" and "DHTML Links" are blue and underlined).

  -In regard to dependent claims 53, 60, and 67, Dynamic Drive teaches displaying an

instruction area that presents instructions for the user to click on the element in the form

displayed as a hyperlink to modify the element (Dynamic Drive 1: e.g. "Demo" and

"Directions...(The above demo has two"). Additionally W3C teaches that it was notoriously well

known in the art at the time of the invention for forms to include labels for individual controls to

better help the user understand the purpose and functionality of the control ("Labels").

9.   Claims 4-5, 17-18, 25-26, 55-57, 62-64, and 69-71 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Dynamic Drive, "Drop down menu generator", 03/30/99, pp. 1-2,

http://web.archive.org/web/20010801161507/http://www.dynamicdrive.com/dynamicindex1/dro

pmenuindex.htm (Hereafter "Dynamic Drive 1") and Dynamic Drive Screenshot "Drop down

menu generator", 03/30/99, pp. 1 (Hereafter "Dynamic Drive 2") in view of W3C, HTML 4.01

Specification, Chapter 17, "Forms", W3C, 12/24/99, pp. 1-26,

http://www.w3.org/TR/html401/interact/forms.html (Hereafter "W3C") in further view of

Wasilewski (US-6,374,275 04/16/02) in further view of Bergman et al (US-5,909,678 06/01/99).

  -In regard to dependent claims 4-5, 17-18, and 25-26, neither Dynamic Drive nor W3C

teach wherein the element was part of a formula or calculation. Bergman et al teach wherein a

control element was part of a formula or calculation (column 3, lines 9-10; column 14, lines 10-

30). It would have been obvious to one of ordinary skill in the art at the time of the invention for

the database form query element of Dynamic Drive and W3C to have been part of a formula or

calculation, because Bergman taught such an interface element would help provide an easy-to-

user query interface with improved guidance (column 2, lines 43-50) which would have been

beneficial for providing greater functionality for querying the database.

   -In regard to dependent claims 55, 62, and 69, Dynamic Drive does not specifically

teach upon selection of the hyperlink by the user, highlighting a corresponding condition in the

form (i.e. only shows highlighting the selectable elements of the newly displayed menu/dialog).

Bergman teaches when selecting a control on a form, highlighting a corresponding condition in

the form (column 7, lines 35-47: "click…objects that the palette will accept highlighted in the

menu"). It would have been obvious to one of ordinary skill in the art at the time of the

invention for a corresponding element of the control of Dynamic Drive to be highlighted when

the hyperlink was selected as taught in Bergman, because Bergman teaches that by highlighting

certain conditions in the form the user could more easily determine elements of the form that

were acceptable to the query (column 7, lines 35-47).

   -In regard to dependent claims 56, 63, and 70, Dynamic Drive teaches upon the

selection of the hyperlink by the user, displaying a dialog for setting up configuration of the

query (Dynamic Drive 2: i.e. upon selection of the hyperlink "DHTML Links" the dialog menu

is displayed for user selection).

   -In regard to dependent claims 57, 64, and 71, Dynamic Drive selecting the control as

a dialog or list **(**Dynamic Drive 2: "drop down menu generator" i.e. note the drop down menu

control activated when the "DHTML Links" hyperlink is selected). Dynamic Drive does not

specifically teach wherein selecting the control as the text entry field for user interaction and

restricting text entry to numeric values for numeric elements. W3C teaches wherein forms were

notoriously well known in the art at the time of the invention to include text entry fields and for

said entry fields to be restricted based on content type and size (Page 3: "text input"; Page 6:

"size" and "maxlength"). It would have been obvious to one of ordinary skill in the art at the

time of the invention for the hyperlinked menu/dialog form control of Dynamic Drive to have

been a text entry field and for said text entry field to have restricted values, because W3C teaches

that text entry form fields were notoriously well known in the art to be an obvious control

replacement for a dialog box, list, or menu (Pages 2-3: "Control types") and would have also

provided users of Dynamic Drive the benefit of being able to enter text based input (Page 3: "text

input"). Wherein W3C does not specifically teach that the restricted values are restricted based

on numeric content type, the Examiner notes that it was notoriously well known in the art at the

time of the invention to put validation restrictions/ranges on form input/control elements so that

the user was prevented/helped from entering invalid data (i.e. preventing errors from being

entered before the form was submitted for processing/validation).

10.   Claims 54, 61, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dynamic Drive, "Drop down menu generator", 03/30/99, pp. 1-2,

http://web.archive.org/web/20010801161507/http://www.dynamicdrive.com/dynamicindex1/dro

pmenuindex.htm (Hereafter "Dynamic Drive 1") and Dynamic Drive Screenshot "Drop down

menu generator", 03/30/99, pp. 1 (Hereafter "Dynamic Drive 2") in view of W3C, HTML 4.01

Specification, Chapter 17, "Forms", W3C, 12/24/99, pp. 1-26,

http://www.w3.org/TR/html401/interact/forms.html (Hereafter "W3C") in further view of

Wasilewski (US-6,374,275 04/16/02) in further view of Banning et al (US-5,471,613 11/28/95).

-In regard to dependent claims 54, 61, and 68, neither Dynamic Drive nor W3C teach

displaying the form as a tree structure of a database query. Banning et al teach displaying a

database query as a tree structure (column 5, lines 40-53: "operating and manipulating

queries...using graphical representations...provided by the tree structure...of the database query").

It would have been obvious to one of ordinary skill in the art at the time of the invention for the

database form query of Dynamic Drive and W3C to have been in the structure of a tree as taught

in Banning, because Banning taught that a form tree structure database query provided an

intuitive, user friendly, and easy to understand tool for constructing a database query (column 5,

lines 40-53).

Response to Arguments

11.   Applicant's arguments with respect to claims 1, 11, and 13 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Basehoar/
Primary Examiner, Art Unit 2178